

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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On August 10, 2010, the Court entered an Order (Doc. #12) granting Defendant Sportsman's Warehouse Inc.'s Motion to Dismiss for failure of Plaintiff to file a timely opposition.

On August 19, 2010, Plaintiff filed a Motion to Reconsider Order Granting Defendant's Motion to Dismiss (Doc. # 13). Plaintiff's Motion to Reconsider is based upon a stipulation reached by counsel for the parties (Doc. #13) July 30, 2010,

1 which would have permitted Plaintiff to and including August 31, 2010 within which
2 to file its opposition to Defendant's motion to dismiss. That stipulation was never
3 approved by the Court, but Plaintiff argues that it was reasonable for Plaintiff to rely
4 on the stipulation nonetheless. Defendant responds that any further extension would
5 be futile. Indeed Defendant may be correct. However, the Court concludes it to be
6 appropriate to resolve Defendant's Motion to Dismiss on its merits rather than a
7 matter of procedural default. The Court, however, notes that Plaintiff has not
8 provided a substance Opposition to Defendant's Motion to Dismiss. The Court will
9 merit a very brief extension of time to do so.

10 **IT IS THEREFORE ORDERED** that Plaintiff GANTZ & HAUF, Chtd's
11 Motion to Reconsider Order Granting Defendant's Motion to Dismiss (Doc. # 13) is
12 **GRANTED** and that this Court's Order (Doc. #12) granting Defendant Sportsman's
13 Warehouse Inc.'s Motion to Dismiss is hereby **VACATED**.

14 **IT IS FURTHER ORDERED** that Plaintiff GANZ & HAUF, Chtd's
15 shall have to and including September 27, 2010, within which to file an Opposition
16 to Defendant Sportsman's Motion to Dismiss (Doc. #4). Failure to do so will result
17 in the immediate granting of Defendant Sportsman's Motion to Dismiss (Doc. #4).

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19 DATED: September 17, 2010.

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PHILIP M. PRO
23 United States District Judge
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